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Statistics of the Island of Portsea.

[Communicated to the British Association for the Advancement of Science by the Portsmouth and Portsea Literary and Philosophical Society, and read before the Statistical Section, September, 1852.]

1. *General History of the Municipal Government of the Borough of Portsmouth.*

AN entry in the Heralds' Books at the College of Arms, purporting to be signed by the Mayor of Portsmouth, with the arms and seal of the corporation, and to have been drawn up on a Visitation for Hampshire in 1686, states that, by charter of King Henry I., granted in the 6th year of his reign, the borough of Portsmouth was incorporated by the name of "Approved Men of Portsmouth." No other record of this charter is now known to exist. Charter of 6
Henry I.

Richard I. granted a charter, dated the 2nd of May, in the 5th year of his reign. It sets forth that the king had taken his borough of Portsmouth into his hands, and had granted an annual fifteen days' fair, and a weekly market, and that he discharged the Burgesses from tolls and other imposts, from suit to the Courts of the Sheriff and Hundred, and from numerous other services. This grant extends to them whithersoever they might go, by sea or land, throughout the realm. They were not to be impleaded concerning any tenement in the town, except before the king himself; and they were to hold their mansions and possessions with toll, by which it seems that the right of taking toll was granted, as well as exemption from it. King John granted a charter on the 5th October, in the 2nd year of his reign. Charter of 5
Richard I.
Charter of 2
John
This varies from the foregoing merely by enlarging the exception as to pleas concerning tenements in the town; it excepts pleas before the king himself or his chief justice.

Henry III. granted a charter, dated at Oxford, on the 17th November, in the 14th year of his reign; by which the borough is granted in fee-farm, at a certain rent, "*Hominibus nostris de Portesm.*" Charter of 14
Henry III.
This charter is not mentioned in the *inspeximus* of any subsequent.

He granted a second, dated at Woodstock on the 18th November, also in the same year of his reign. This, however, appears to give no more than was granted by King John. Second Charter
of 14
Henry III.

By a third charter, dated the 5th April, in the 39th year of his reign, he confirmed his own charters and those of Richard and John. Charter of 39
Henry III.

On the 4th July, in the 40th year of his reign, Henry III., by a fourth charter, granted a guild of merchants, and also freedom from caption both to person and goods, except where the person or owner should be a security or principal debtor, or where the principal debtor should belong to the community, and be capable of wholly or partially satisfying the debt, and the men of the guild should have failed to render justice. Charter of 40
Henry III.

A charter granted by Edward II., on the 12th of February, in the 6th year of his reign, confirmed those of Richard I. and John, and the 2nd and 3rd of Henry III.; and was itself confirmed by another granted by Edward III., on the 13th October, in the 32nd year of his reign. Charter of 6
Edward II.

Charter of 32
Edward III.

Charter of 8
Richard II.

By a charter dated the 12th October, in the 8th year of the reign of Richard II., the 4th of Henry III. was confirmed; and this of Richard was confirmed by a charter granted on the 7th February, in the 2nd year of Henry IV.

Charter of 2
Henry IV.

Charter of 1
Henry VI.

On the 15th July, in the 1st year of the reign of Henry VI., another charter of confirmation was granted by the assent of the lords spiritual and temporal, and the commonalty, in the inspeximus of which the charter of Edward III. is omitted, and only the 3rd and 4th of Henry III. are mentioned.

Charter of 1
Edward IV.

That of Richard II. was confirmed by a charter granted on the 21st December, in the 1st year of the reign of Edward IV.

Charter of 2
Richard III.

This was confirmed by a charter granted on the 29th July, in the 2nd year of the reign of Richard III., and again by a charter granted on the 26th of January, in the 4th year of the reign of Henry VII.

Charter of 4
Henry VII.

Charter of 3
Henry VIII.

Charter of 4
Edward VI.

Charter of 3
Elizabeth.

Charter of 42
Elizabeth.

Henry VII.'s was confirmed by a charter granted on the 1st December, in the 3rd year of the reign of Henry VIII.; and Henry VIII.'s, by another granted on the 16th May, in the 4th year of the reign of Edward VI. The latter was confirmed by a charter granted on the 4th of February, in the 3rd year of the reign of Elizabeth. On the 15th February, in the 42nd year of the same reign, a second charter was granted. This recites that the borough had from time immemorial been governed by a mayor, two bailiffs, two constables, and other public officers from the burgesses and inhabitants. The time, however, at which the office of mayor was first in force in Portsmouth, is supposed to have been not earlier than the reign of Edward IV., at which time the town was probably governed by bailiffs, nor is it probable that it was later than that of Edward VI.

The corporation is incorporated by this second charter of Elizabeth, by the title of "Mayor and Burgesses of the Borough of Portsmouth." The successor to the mayor named in the charter is to be chosen according to the ancient constitution. Immediately afterwards, the charter directs that he shall be chosen by the mayor and burgesses, and from the senior and principal, better and more honest burgesses. Jurisdiction is given over felonies and misprisions, with the exception of such as touch life or limb. A non-intromittent clause is given as to justices. The burgesses and inhabitants are discharged from attending county juries, excepting (if we understand the clause correctly) for causes arising within the borough, in which the mayor or burgesses claim any privilege or exemption. Power is given to take recognizances of debt by statute merchant, and recognizances of charters touching tenements within the borough. A general confirmation of ancient charters and liberties is made, with a grant of the borough in fee-farm at the ancient rent. There is a preservation of the rights of the Lord Mountjoy, Governor of Portsmouth, and his successors.

Charter of 3
Charles I.

In the 3rd year of the reign of Charles I., 4th November, 1627, a new charter was granted, dated at Westminster, under the writ of Privy Seal, which, after a slight suspension in the following reign, governed the borough until 1835.

Charter of 32
Charles II.

Another was subsequently granted by Charles II., in the 32nd year of his reign, 1682, which was acted upon till the Revolution; when it was discovered that the surrender of Charles I.'s had never been enrolled, and as the charter of Charles II. was granted partly in con-

sideration of the previous one having been duly surrendered, this was now deemed void; the charter of Charles I., therefore, now came into full operation.

Considerable modifications of this, the ruling charter, have resulted from the Municipal Corporations Act (5 and 6 Wm. IV., c. 76), passed in the year 1835, and other more recent statutes. By sec. 1* it was enacted, that so much of all charters then in force, relating to the several boroughs named in the Schedules A and B thereto annexed, as were inconsistent with, or contrary to its provisions, should be thereby repealed. Portsmouth was named in Schedule A. In order, therefore, to show the present municipal regulations affecting the borough of Portsmouth, each clause of the charter will be given in an abridged form, followed by such legislative enactments as alter or modify it.

Municipal
Corporations
and other
Acts.

The charter, after reciting that the borough of Portsmouth, in the county of Southampton, was an ancient borough, and that its inhabitants, under various titles, had, from time immemorial, enjoyed certain privileges, either by charter or custom, and that the mayor and burgesses had prayed His Majesty to extend his grace to them and constitute them a body-corporate, and grant them certain privileges for their better government; states, that the King, considering the utility of the said borough as a seaport town, and the necessity for providing for its good government, for the maintenance of peace and justice therein, and that he might expect the ready service of the mayor and burgesses, and their successors, granted that the borough should for ever thereafter, be a body corporate and politic, of "the Mayor, Aldermen, and Burgesses of the borough of Portsmouth, in the county of Southampton," by which name they should have perpetual succession, power to sell and dispose of real and personal property, to plead in any courts, and to have a common seal, to be used in the transaction of business, with liberty to change the same.

Charter of 3
Charles I.

Title of the
Corporation.

By sec. 2, provisions are made, the effect of which is to continue to all persons who, before the passing of the Act, were entitled to, or possessed of corporate benefits, whether by virtue of any usage, custom, bye-law, or otherwise, the enjoyment of them, and to make it obligatory on the corporation to render to such individuals the benefits which they enjoyed before, subject to anything which before would have defeated the bye-law or custom under which they were enjoyed. (Rawlinson's Municipal Corporations Act, by Welsby, 3, n. 1.)

Municipal
Corporations
Act.
Reservation
of existing
rights.

The corporation is styled in Schedule A, "The Mayor, Aldermen, and Burgesses of Portsmouth, in the county of Southampton." (Sec. 6.) The boundaries of the borough are to be the same as those set out in the statute 2 and 3 Wm. IV., c. 64, entitled "An Act to settle and describe the divisions of Counties, and the limits of Cities and Boroughs in England and Wales, in so far as respects the election of Members to serve in Parliament;" in which it is enacted that the borough of Portsmouth shall comprise the old borough of Portsmouth and the parish of Portsea. (Schedule O, 14.) By the above name the corporation is to have perpetual succession, and authority to do all such acts as they

Title of the
Corporation.

Limits of the
Borough.

* Whenever a section is named without referring to any statute, it is to be understood as being a section of the Municipal Corporations Act.

might have done in their corporate name before the passing of the Act. (Sec. 6.)

Power to sell,
lease, &c.

The corporation is not (except in pursuance of a contract entered into on or before the 5th June, 1835) to sell, mortgage, or alienate land, or to lease for a longer term than thirty-one years at a clear yearly rent, without fine; but if the council wish to sell, &c., or to lease on other terms, application may be made to the Lords Commissioners of Her Majesty's Treasury, and, with their consent, any sale, exchange, mortgage, or lease may be made. (Sec. 94, and 6 and 7 Wm. IV., c. 104, s. 2.)

Powers of renewal of leases are not to be affected by the Act. (Sec. 95.) Leases of certain buildings, and of ground for building on, or for making gardens, &c., may be made for seventy-five years (sec. 96), either at a reserved rent or a fine, or both, as the council shall think fit. (6 and 7 Wm. IV., c. 104, s. 2.)

Charities and
Schools.

Section 71 refers to the powers of the town council as trustees of charities. The following charities deserve notice, as more or less controlled by the Corporation:—

A person, whose name we have been unable to obtain, bequeathed 500*l.*, to be invested in the name of the corporation, upon trust, to pay the interest to the poor of the borough; the principal has been appropriated to borough uses, and in lieu thereof the corporation entered into a bond to pay 15*l.* as an equivalent for the interest, on the 21st December in every year, to the poor.

Richard Wilmot, by his will, dated January 22nd, 1805, bequeathed to his executors, James Wilmot, James Wilmot his son, and Elias Glide, the sum of 500*l.*, upon trust, to invest the same in the funds, or on mortgage security; and he declared that such sum, and the interest and dividends thereof, should be a perpetual fund, from which twenty poor boys should, for three years each, be educated in the knowledge of the English language, writing, accounts, and navigation. His executors, together with the Master-General of Ordnance, the principal Engineer of Government Works at Portsmouth, the Commissioner of Portsmouth Dockyard, the Master Shipwright of Portsmouth Dockyard, the two county members, and the Mayor of Portsmouth for the time being, or such of them as were willing to act, were to be the trustees for the purposes of the charity. They are to appoint a schoolmaster at a salary of 20*l.* per annum, and to provide a schoolroom and firing. His executors, during their lives, and the majority of such trustees, after their decease, were to fill up vacancies among the boys; six out of the twenty were to be selected from among the testator's poor relations, the other fourteen were to be the sons of poor widows resident within the parish of Portsea.

The building for the two schools of the Royal Lancasterian Institution of the borough was erected in 1812, on a piece of ground belonging to the corporation, for which a rent of 5*l.* was reserved, but this was annually returned as a charitable gift. The reversion in fee of the land was, in the year 1851, granted by the town council for the same institution, and new and improved schools are now (1852) in the course of erection.

The mayor is visitor of a free grammar school, founded in 1732 by Dr. Smith, a former burgess, for the education of sons of the inhabit-

ants of the borough. The Dean and Chapter of Christ Church, Oxford, are trustees, and a committee appointed by them supply vacancies.

7 Wm. IV., and 1 Vic., c. 78, ss. 45, 46, 47, and 48, point out the mode of authorising the transfer and receipt of dividends and funded property belonging to the corporation, whether as charitable trustees or otherwise, and also the application of such property. Provision is also made for the council acting as trustees where certain members of the old council were ex-officio sole trustees, and power is given to appoint a limited number of councillors to be joint trustees for certain purposes.

Any advowsons or ecclesiastical preferments belonging to the town council in its corporate right, and not as charitable trustees, are to be sold under the direction of the Ecclesiastical Commissioners for England, and the council are to convey the same when sold; the proceeds are to be paid to the treasurer, to be by him applied in satisfaction of debts contracted before the passing of the Municipal Corporations Act, or invested on government security for the use of the council, the annual interest thereon to be carried to the borough fund. (Sec. 139). The object and intention of the legislature were, by this section, to take from the municipal corporations all ecclesiastical patronage whatsoever, and to transfer the same to purchasers. Doubts, however, were entertained whether the right to present to certain curacies and readerships in the gift of, and paid by, certain municipal corporations, but which, for want of any regular endowment or augmentation, had not become perpetual cures or benefices presentative, could be sold under this section; and in consequence the statute 1 and 2 Vic., c. 31, was passed, enacting that every such right of nomination, vested in any municipal corporation, might be sold, and that after such sale, every such curacy, &c., should become a "benefice presentative," within the meaning of 36 Geo. III., c. 83, and every such curate, &c., and his successors should become and be a "body corporate," within 1 Geo. I., c. 10, s. 4. (Rawlinson's Municipal Corporations Act, by Welsby, 228, n. 1.) The Corporation of Portsmouth had no ecclesiastical patronage.

That there should be a mayor and 12 aldermen, to be elected in a manner thereafter described; such mayor to be chosen from among the aldermen.

That the aldermen should compose the council, to assist the mayor in the performance of his duties.

That the mayor, aldermen, and burgesses, or the greater part of them, whereof the mayor should be one, might make such bye-laws as should appear to them desirable for the better regulation of the inhabitants, and to regulate their conduct in their various occupations, and also for the better care of the land to be acquired as aforesaid; and that they might, by the mayor and aldermen, (being the council of the said borough,) or the greater part of them, impose reasonable penalties and punishment, by fine or imprisonment, or both, upon the transgressors of such bye laws, which fines were to be levied to the use of the corporation without the impediment of the Crown or its officers, provided that such laws and punishments were not repugnant to the laws of the realm.

Funded
property.

Patronage.

Charter of S
Charles I.
Mayor and
Aldermen.

Functions of
Aldermen.

Bye-Laws.

Appointment
of Mayor and
Aldermen.

Henry Holt, the then mayor, was appointed the first mayor under the present charter, to continue in office until the ensuing feast of St. Michael the Archangel, or, after that, until one of the aldermen should be sworn to the same office, and should first take the corporal oath before the last mayor or two aldermen faithfully to perform his duty. The following persons were appointed aldermen:—William Haberley, William Towerson, Owen Jenens, Henry Jenens, John Pares, John Lardner, Richard Jaes, William Winter, William Brook, Henry Wentworth, Robert Woodnutt, and Richard Jenens, who were in like manner to take their corporal oaths, and then to continue in office for life, unless sooner removed for ill conduct.

Mayor, how
elected.

That the mayor, aldermen, and burgesses were to have authority to assemble annually in the guildhall of the borough, on the Monday seventh-night before the feast of St. Michael the Archangel, and nominate and elect one of the aldermen to be mayor for the year ensuing, or until one other of the said aldermen should be sworn in his stead.

That the said mayor should on such feast-day take the said corporal oath in the manner aforesaid.

That if a mayor, during his mayoralty, should die, or be removed by the aldermen, or a majority of them, for misconduct, the aldermen and burgesses should elect another, to serve until another of them should be chosen in the manner before described; and that the mayor elected to supply such vacancy should, on entering office, be sworn before two aldermen.

Removal of
Alderman.

That any alderman might on reasonable grounds be removed by the mayor and other aldermen, and that, on the death or removal of an alderman, the rest, together with the mayor, should elect a burgess to complete the number.

Fines for
non-acceptance of
office.

That if, on the election of any of the said aldermen or burgesses to the office of mayor or alderman, he should refuse to accept the same, the mayor and council might fine and imprison him until payment.

Deputy
Mayor, how
elected.

That the mayor during illness, or on leaving the borough with the consent of a majority of the aldermen, might appoint from among the aldermen a deputy; such deputy to take the oath in manner aforesaid.

Burgesses,
how elected.

That the mayor and aldermen might at their discretion elect burgesses, and should administer to them an oath of fealty to the borough, and also for the faithful performance of their duties.

Municipal
Corporations
Act.
Burgesses
and Freemen,
how elected.

These regulations have been thus altered:—Every male of full age, who, on the last day of August in any year, has for three years previously occupied within the borough a house or shop, which has during those three years been rated to the relief of the poor; who has paid poor-rates and borough-rates (if any); who has been, during the time of such occupation, a resident householder within seven miles of the borough, and has been duly enrolled, is entitled to be a burgess; but aliens and persons who have received parochial relief are not to be enrolled. (Sec. 9.)

By section 3, no person is to be made burgess or freeman by gift or purchase. Sections 10, 11, 12, and 13, and 7 Wm. IV, cap. 78,

sects. 7 and 8, relate also to the qualifications of burgesses and the mode of enforcing them.

The Town Clerk is to make up and keep a roll of the freemen of the borough for perusal and sale. "Such list will now, by virtue of section 5, contain the following classes of persons:—1st. All persons who, on the 9th September, 1835, had been admitted as burgesses or freemen; 2nd, All persons who were entitled on the 9th September, 1835, to have been admitted, and who have since (7 Wm. IV., and 1 Vic. c. 78) been admitted; 3rd, All persons who, since the 9th September, 1835, have become entitled to be, and have been admitted, in respect of birth, servitude, or marriage." (Rawlinson's Municipal Corporations Act, by Welsby, 8, n. 1.)

Burgesses
and Freemen
how elected.

Exclusive rights of trading are abolished. (Sec. 14.)

The overseers are, on the 5th September in every year, to make lists of all persons entitled to be burgesses in their respective parishes, to deliver the same to the town clerk, and to keep copies of such lists for public inspection. The town clerk is to have copies printed, that any one requiring the same may have a copy on paying a reasonable sum. He is also to fix a copy on some conspicuous place within the borough, for a week preceding the 15th September in every year. (Secs. 15, 16.)

Any person whose name has been omitted from the list, may claim to have it inserted therein, by giving notice in writing to the town clerk before the 14th September. And any person whose name has been thus inserted, may object to the right of any other person to have his name retained on the list, by giving notice to the town clerk and to the person objected to. The town clerk is to cause a list of claimants, and of persons objected to, to be published; and copies of such lists are to be kept for sale. (Sec. 17.)

Sometime between the 1st and 15th October, the mayor and two assessors (thereinafter directed to be appointed) are to hold a court, for the purpose of deciding upon claims and objections, and of correcting mistakes in the lists. In case the court direct a name to be expunged from the list, an appeal lies to the superior courts by means of the writ of mandamus (Sec. 18, and 7 Wm. IV., and 1 Vic., c. 78, s. 24.) By statutes 6 and 7 Vic. c. 85, s. 5, provisions are made for expediting proceedings by way of mandamus and quo warranto.

The mayor has power to administer oaths to the several persons attending the court. (Sec. 18.)

All persons allowed to make affirmation instead of taking oath, may do so in every case where an oath is required by the act, and the making a false affirmation is to be punished as perjury.

The mayor and assessors are to decide claims and objections, &c., and the mayor is to sign the list in open court. (Sec. 19.)

By 7 Wm. IV., and 1 Vic. c. 78, s. 3, all elections had before the passing of that Act, (July, 1837,) or to be had under that Act before the election of assessors, are declared as good as if had before the mayor and assessors jointly. By sec. 5 of the same Act, the burgess-roll is not to be questioned for want of title in the mayor or assessors; and by sec. 6, it is to be in force until the revision of the new burgess-list.

The revised borough lists are to be kept by the town clerk and copied into books, with the names numbered; such book to be the roll

of burgesses entitled to vote. Copies of the burgess-roll are to be printed for sale. (Secs. 22, 23.)

Borough, how
constituted.

Aldermen,
how elected.

The mayor, aldermen, and councillors to be chosen in every borough are together to constitute the council of the borough. The borough of Portsmouth is to have a mayor, fourteen aldermen, and forty-two councillors. (Sched. A., s. 1.) In every third year the council are to choose from among the councillors, or persons qualified to be councillors, the aldermen of the borough, or as many as are necessary to supply the places of those who go out. One-half are to go out every third year, being those who have been longest in office, without re-election. The outgoing aldermen may be re-elected, but they are not entitled to vote in the election of new aldermen. (Sec. 25.) The mode of conducting the election is prescribed by 7 Wm. IV., and 1 Vic., c. 78, s. 14, which empower the mayor or chairman to give the casting vote in case of an equality of votes. Extraordinary vacancies in the office of alderman are to be filled up within ten days, by the election of a councillor or person qualified to be a councillor, who is to hold office during the same time that the person whose place he succeeds to would have held it. (Sec. 17.)

Persons in holy orders, ministers of dissenting congregations, persons who are not entitled to be on the burgess-list, who are not possessed of real or personal estate, or both, to the amount of 1000*l.*, who are not rated to the relief of the poor to the value of not less than 30*l.* annually, who hold any office of profit (other than that of mayor*), in the disposal of the borough, or who have an interest in any contract on behalf of the council, cannot be elected aldermen or councillors. (Sec. 28.)

By 5 and 6 Vic. c. 104, s. 1, it is enacted, that the word "contract" in the above section, is not to extend to contracts for sale, lease, or purchase of land, &c. And no person is to be disqualified by reason of his being a proprietor or shareholder of any company which shall contract with the council of the borough for lighting, or supplying with water, or insuring against fire, any part of the borough. (Sec. 28.)

By 7 Wm. IV., and 1 Vic., c. 78, s. 15, auditors and assessors are disqualified from being members of the council.

By 5 and 6 Vic., c. 104, s. 2, members of the council are not to vote or take part in the discussion concerning any matter in which they are pecuniarily interested.

* Mr. Welsby, in his note on sec. 58, which enables the council to grant a salary to the mayor, remarks, "In all cases it will be seen that the mayor of a borough may be paid such salary, or allowance, as the council may think reasonable. Previously to the passing of this Act, the mayors were generally allowed salaries as a remuneration for the labours and expenses necessarily incident to the mayoralty. In some cases, doubtless, these sums may have been too large, but since the new councils have been elected a contrary extreme has been generally adopted; and, in many boroughs, no salary or allowance of any kind is made to the mayor. In the larger boroughs, where no police magistrate has been appointed under this Act, the duties devolving on the mayor are of a somewhat onerous description, and it is hardly to be expected, except perhaps in times of political excitement, that professional men, or merchants, or other persons of respectability in the borough, will give up, gratuitously, their time and labour, to the sacrifice or serious detriment of their private affairs, without, at all events, some allowance for the expenses which are 'necessarily incident to such an office.'" In Portsmouth no such remuneration is given to the mayor.

Persons whose names are on the burgess-roll, and such persons Councillors, how elected. only, are entitled to vote in the election of councillors, auditors, and assessors. (Sec. 29.)

On the 1st November in every year, the burgesses are to assemble and elect councillors to supply the place of those who go out of office. (Sec. 30.)

By 7 Wm. 4 and 1 Vic. c. 78, ss. 25, 26, in case elections of municipal officers are not made within the time appointed, the corporation may proceed to such elections on the following day, and the powers given to the Court of Queen's Bench under 11 Geo. I. c. 4, are extended to elections under the Municipal Act. One third part of the council are to go out of office every year, being the third part who have been longest in office without re-election; but by sec. 26 this is not to affect the mayor or aldermen. Any councillor going out of office may be re-elected. (Sec. 31.) Secs. 32, 33, 34, and 35, point out the mode of proceeding at elections of councillors for boroughs not divided into wards; but by sec. 43, the same mode is to be adopted where there is such division.

Such elections, in wards, are to be held before the alderman yearly appointed for that purpose by the councillors of the ward (sec. 43), or, in case of his illness or incapacity, before another alderman to be appointed by the mayor (7 Wm. IV., and 1 Vic., c. 78, s. 16), and before the two assessors.

The alderman and assessors are to examine the voting papers delivered by the electors, and to declare elected the required number of persons, who have the greatest amount of votes. In case of an equality of votes, the alderman and assessors, or any two of them, may give the casting vote.

The town-clerk is to keep the voting papers for six months, at his office, for public inspection. One shilling is to be paid for every search. The mayor is to publish the names of the councillors elected.

On the 1st March in every year, the burgesses of each ward are Assessors, how elected. also to elect two assessors for such ward. Such elections are to be held before the alderman yearly appointed in that behalf, by the councillors for the ward (sec. 43), or, in case of his illness or incapacity, before such other alderman as the mayor shall appoint (7 Wm. IV., and 1 Vic., c. 78, s. 16), and before the two assessors. The election is to be conducted in the same manner as that of councillors. The assessors are to continue in office for one year. No burgess is to vote for more than one assessor, or to be eligible, who is a member of the town council, or town-clerk, or treasurer of the borough. (Sec. 37.)

By 7 Wm. IV., and 1 Vic., c. 78, s. 17, every assessor, when elected, is to appoint, under his hand, a deputy, to perform his duties in case of illness or incapacity, such appointment to be signified to the council, and entered on their minutes.

The aldermen and assessors in wards are to have the same powers in elections as the mayor and assessors would have had for the whole borough, had there been no division. (Sec. 43.)

The burgesses are, on the 1st March in every year, to elect, by a Assessors (to revise Burgess lists with Mayor), how elected. majority of votes, from the persons qualified to be councillors, two assessors for revising the burgess-lists with the mayor. The election

is to be conducted in the same manner as that of councillors. (Sec. 37, and 7 Wm. IV., and 1 Vic., c. 78, s. 4.)

Determina-
tion of exist-
ing bodies.
Division of
boroughs
into wards.

Section 38 provides for the determination of office of bodies existing at the time of the Act coming into operation.

By sec. 39, certain boroughs are divided into wards; Portsmouth being divided into 7. (Schedule A, sec. 1.)

The revising barrister had authority to revise, in the first year of the Act coming into operation, the burgess and council lists; and was also, within six weeks of the passing of the Act, to set out the limits and boundaries of the several wards of boroughs; particulars of such divisions were to be notified to one of His Majesty's Principal Secretaries of State, and, if the king, by the advice of the Privy Council, approved of it, public notice was to be given in the "London Gazette," and another copy of such particulars was to be delivered to the town clerk, to be preserved by him among the public documents of the borough. Such division was to be binding, until altered by Act of Parliament. The number of councillors for each ward was to be assigned by the barristers, according to certain rules, and, thereupon, the same steps were to be taken as those directed in the 39th section *supra*. (Sec. 40.) In some boroughs, ancient divisions into parishes or districts, for the purposes of local acts, might be regarded by the barristers, for the sake of convenience, in the division of such boroughs into wards. (Sec. 41.)

Burgesses are to vote in the ward in which their property is situate, and if they have property in more than one, they are to elect in respect of which they will be enrolled and vote. (Sec. 44.) Lists of the burgesses in each ward are to be made out yearly. (Sec. 45.) If any person is elected a councillor or assessor in more than one ward, he is within three days to make his election, and if he neglect to do so the mayor may declare for which he is to be considered as elected. (Sec. 46.)

Occasional
vacancies
among
Councillors,
&c., how
supplied.

Occasional vacancies of councillors, auditors, or assessors are to be filled up by fresh elections within ten days, those thus elected to remain in office for the rest of the time for which the former were elected. (Sec. 47.) By 7 Wm. IV. and 1 Vic., c. 78, s. 11, if an election take place to supply more than one extraordinary vacancy among the councillors, the candidate elected by the smallest number of votes is to be considered as elected in the place of him who would regularly have first gone out of office, and the person elected by the next smallest number, is to be considered as elected in the place of him who would next have gone out of office, and so on.

Penalties
against
officers not
complying
with the Act.
Mayor, how
elected.

By sec. 48, certain penalties are enacted against such mayors, aldermen, assessors, overseers, and town clerks as shall neglect to comply with the provisions of the Act.

On the 9th November in every year the council are to elect from the aldermen and councillors, a mayor, to continue in office for one year (sec. 49), and until his successor shall have accepted the office of mayor, and shall have made and subscribed the requisite declaration. (6 and 7 Wm. IV. c. 105, s. 4.) In case of a vacancy, the council are, in the same manner, to make the election within ten days. (Sec. 49.)

No election of any mayor is to be called in question for defect in

his title to the office of alderman or councillor, to which he may have been previously elected, unless by *quo warranto* within twelve months from his election to such office of alderman or councillor, (6 and 7 Vic. c. 89, s. 1), and, by the same section, all elections are to be deemed valid unless so called in question.

The mayor, aldermen, councillors, or assessors are not to act until they have made a declaration of acceptance of office, in the form prescribed by the Act, before two aldermen or councillors. Aldermen, having made such declaration, may also be required, by any two members of the council, once in every three years, to make a declaration that they are still qualified. Making the declaration of acceptance of office is not to dispense with the necessity of making the declaration prescribed by 9 Geo. IV. c. 17. But by statutes 1 and 2 Vic. c. 5, and 1 and 2 Vic. c. 15, all Quakers, Moravians, and Separatists, on accepting any office connected with a municipal corporation, may make a declaration in the form contained in 1 and 2 Vic. c. 5, s. 1, in lieu of the one required by 9 Geo. IV. c. 17, and by sec. 50 of the Municipal Corporations Act. And by 8 and 9 Vic. c. 92, a similar privilege is extended to persons of the Jewish persuasion.

Declaration to be made by officers on taking office.

Every burgess elected to the office of alderman, councillor, auditor, or assessor, and every councillor elected to the office of mayor, must either accept the office or pay a fine to the borough-fund, to be fixed by a bye-law of the council, such fine not to exceed 100*l.* in the case of a mayor, or 50*l.* in either of the other instances.

Fines for non-acceptance of offices.

If the declaration of acceptance of office be not made and subscribed within five days after the election, the fine becomes due. Certain exemptions from serving are made in favour of persons who are bodily or mentally disabled from various causes,—persons above sixty-five years of age,—persons who have previously served, or paid the fine, within five years,—also military, naval, and marine officers in full-pay, and any officers resident and employed in any dockyard, victualling-yard, arsenal, or barracks.

By 6 and 7 Wm. IV., c. 105, s. 8, any corporate officer may resign his office on payment of the same fine which he would have been liable to for not accepting such office; and no person enabled by law to make an affirmation instead of taking an oath, is to be liable to pay a fine for not accepting any municipal office, by reason of his refusal, on conscientious grounds, to take an oath, or make a declaration required by the Municipal Corporations Act, or to take upon himself the duties of such office.

If any mayor, alderman, or councillor shall be declared bankrupt or insolvent, or shall compound by deed with his creditors, or, being a mayor, shall absent himself for more than two calendar months, or, being an alderman or councillor, for more than six months (except in case of illness), he shall lose his office, and, in the case of absence, shall incur, besides, a fine, as in sec. 51; but every such person may, under certain circumstances, be re-elected. (Sec. 52.)

Disqualification of Members of the Council.

Any person acting as mayor, alderman, councillor, auditor, or assessor, without having made the declaration of acceptance of office, or without being duly qualified, or after ceasing to be qualified, or after becoming disqualified to hold such office, is to forfeit 50*l.* (Sec. 53.)

Penalties for acting without being qualified.

All acts, however, of persons in possession of the office of mayor, alderman, councillor, auditor, or assessor, are to be valid. And by 6 and 7 Wm. IV., c. 104, s. 7, no person enrolled on the burgess-roll of the borough, for the time being, is to be liable to any penalty for acting, on the ground that he was not entitled to be on the burgess-list. And by 7 Wm. and 1 Vic., c. 78, s. 1, no municipal election is to be questioned on account of want of title in the presiding officer, provided he be in possession of the office; and the acts of persons are declared legal, if the person before whom their election took place had taken upon himself the office.

Penalties for
bribery.

Persons convicted of bribery are liable to a penalty of 50*l.*, and are also disqualified from voting at any election in the borough, or at any municipal or parliamentary election in the kingdom, and also from holding any municipal office within such borough. (Sec. 54.)

Persons offending in any of the cases mentioned in sec. 54, are, on informing against others so offending, to be discharged from all penalties. (Sec. 55.)

No person is to be liable to incapacity, penalty, &c., unless prosecuted within two years from the commission of the offence. (Sec. 56.)

Mayor to be
Justice of
Peace, and
Returning
Officer at
Parliamentary
elections.
Bye-laws.

The mayor is to be a justice of the peace for the borough, during his mayoralty, and for the succeeding year, and returning officer at elections of members to serve in parliament. If the mayor be, from any cause, incapable of acting as returning officer, the council are to appoint one of the aldermen. (Sec. 5.)

The council have power to make bye-laws for the government of the borough, and for the prevention and suppression of nuisances, not provided for by local acts. In Portsmouth there are such acts.

They may also appoint fines, not exceeding 5*l.*, for the prevention and suppression of such offences.

No bye-law is to be made unless at least two-thirds of the council be present; nor is any bye-law to be in force until forty days after the same, or a copy of it, shall have been sent to one of Her Majesty's principal Secretaries of State, and another affixed to the outer door of the Town Hall, or some other conspicuous place. If Her Majesty, with the advice of her Privy Council, disallow such bye-law, within the forty days, it shall be of no force. She has power, also, to enlarge such time. (Sec. 90.) All the provisions relative to offences against the Act, punishable upon summary conviction (see *infra*, page 66), are to apply to offences committed in violation of bye-laws. (Sec. 91.)

Meetings
of the Council.
Business,
how trans-
acted.

All acts of the council are to be decided by a majority of the members of the council present; one third part of the whole number to form a quorum. The mayor is to preside; and the mayor, or in his absence such alderman, and in the absence of all the aldermen such councillor, as the council present shall choose to be chairman of the meeting, is to have a casting vote in all cases of equality of votes. Minutes of the proceedings at every meeting of the council are to be kept in a book, to be signed by the member of the council presiding at such meeting, and to be open to the inspection of the burgesses. (Sec. 69.) And by 7 Wm. IV., and 1 Vic., c. 78, s. 22, any burgess may, at convenient hours, take copies of or extracts from such minute-book, and also of any order in council for the payment of money. And any alderman or councillor is to have the same right with regard to a

book directed by s. 93 to be kept by the treasurer. Three days notice of the meetings of the council is to be given, signed by the mayor, who has power to call meetings when he thinks proper. Any five members of the council, after an unsuccessful application to the mayor to call a meeting, may do so by giving notice of such meeting, signed by themselves, stating the business to be transacted at such meeting. A summons to attend, specifying the business to be transacted, and signed by the town-clerk, is to be left at the residence of every member of the council, three days before every meeting.

Quarterly meetings of the council are to be held on certain days in every year, for the transaction of general business, but no notice need be given of the business to be transacted on such days. (Sec. 69.)

The council may appoint, out of their own body, any number of committees, consisting of as many members as they may think proper; their acts to be subject to the approval of the council. (Sec. 70.)

Power was given to the trustees of certain local boards for paving, lighting, &c., towns, to transfer their office to the town council, by writing, under their hands and seals; but this power has not been exercised in the borough of Portsmouth, where such local boards are still existing in the parishes of both Portsmouth and Portsea.

By 6 and 7 Wm. IV., c. 105, s. 8, the powers conferred by local acts on justices in quarter sessions, which did not relate to the business of a court of civil or criminal judication, and were not within the powers of the recorder, were vested in the council, to be acted upon at any quarterly meeting, or by a committee, or any three of a committee, to be appointed at a quarterly meeting.

That there should be a recorder for the borough, who should, previous to entering office, take an oath before the mayor, for the faithful discharge of his duty; and Thomas Watman, Esquire, was thereby appointed the first to this office, which he was to hold during good behaviour. That he should assist the mayor and aldermen in the business of the court of record, and any other court to be holden in the borough.

That upon the death of the said Thomas Watman, the mayor and aldermen, or the survivor of them, might elect another to supply his place, who should hold his office on the same tenure, and on taking the same oath.

That a court of record might be holden before the mayor, recorder, and aldermen, or any four or more of them (the mayor or recorder to be one), in the Guildhall every Tuesday, (except in the week of Easter, Pentecost or Christmas,) with power to hear and determine all personal and mixed actions, in such manner and for such amounts as the said mayor and burgesses might then hold plea there; that the appearance of the defendants might be compelled by summonses, attachments, and distresses directed to the serjeants-at-mace of the said borough, and in the absence of anything whereon to distrain, to compel appearance by attachment on the bodies of such defendants, and to proceed generally, both in pleading and practice, in the same manner as in the said borough, or in any city or other borough in England.

That a court-leet and view of frankpledge should be held within the said borough, on the Monday after the feast of St. Andrew the

Committees
of the Council.

Trustees of
Local Boards
may transfer
their office
to Council.

Certain
Powers con-
ferred by
Local Acts on
Justices to be
performed by
Council.

Charter of 3
Charles I.
Recorder,
appointment
and duties of.

Court of
Record.

Court Leet
and view of
Frankpledge.

Apostle, and Thursday in the week of Easter, or at some other convenient day within one month of the feast of St. Michael the Archangel in every year, before the mayor, or recorder, and aldermen of the borough.

Municipal
Corporations
Act.

The following alterations have been made with respect to the borough court of record, the borough court of quarter sessions (which superseded the court-leet and view of frankpledge), and the appointments, privileges, and duties of the recorder.

Court of
Quarter
Sessions.

Recorder,
appointment
and duties of.

The Municipal Corporations Act abolished the borough court of quarter sessions, which was accustomed to be held at the time the Act passed, but upon petition to the king, a separate court of quarter sessions for the borough was granted (under s. 103), and a recorder was appointed for such court, being a barrister of not less than five years' standing, to hold office during good behaviour, and to be sole judge.

Such court is to be a court of record, and to have cognizance of all crimes, offences, and matters whatsoever cognizable by any court of quarter sessions of the peace for counties in England, with a few specified exceptions. (Sec. 105.)

The recorder is to hear and determine appeals against borough rates. (Sec. 92.) Under 5 and 6 Wm. IV., c. 63, s. 17, he appoints an inspector of weights and measures for the borough. (Rawlinson's Municipal Corporations Act, by Welsby, 187, n. 1.)

The mayor, in the absence of the recorder and deputy recorder, may open and adjourn the court of quarter sessions, and respite all recognizances conditioned for appearing at the same. (Sec. 106.)

Boroughs to which separate courts of quarter sessions have been granted, are no longer to contribute to county rates. (Sec. 112.)

By 7 Wm. IV., and 1 Vic., c. 19, recorders, or other persons presiding in the court of quarter sessions, are empowered to divide their courts when the business is likely to occupy more than three days, and to appoint a barrister of not less than five years' standing, to be called an assistant barrister, to preside in such second court. Power is also given for the appointment of other necessary officers, and for the remuneration of all these.

Deputy Re-
corder, ap-
pointment of.

The recorder is ex-officio a justice of the peace for the borough, although he may not be qualified by estate for a county justice;—he is to have precedence in all places within the borough next after the mayor, he is to be paid out of the borough fund the salary named in the petition of the council; but he is not to be member of parliament, alderman, councillor, or police magistrate of the borough. In case of sickness, or unavoidable absence, he may, under his hand and seal, appoint a deputy (being a barrister of not less than five years' standing,) to act for him at the ensuing quarter sessions only. (Sec. 103.) Under this section of the Municipal Act, the consent of the council was required; but the necessity of obtaining this consent being productive of great inconvenience, power is given by 6 and 7 Vic., c. 89, ss. 7 and 8, to the recorder *alone* to appoint a deputy. (Rawlinson's Municipal Corporations Act, by Welsby, 185, n. 3.)

The recorder and justices are not to be capable of acting until they have taken before the mayor, or any two aldermen or councillors,

(without suing out any special *dedimus* for that purpose, 6 and 7 Wm. IV., c. 105. s. 3,) the oaths required to be taken by justices of the peace, except the oath as to qualification by estate, and also a declaration, in the form prescribed by the Act, for the faithful performance of their duty. (Secs. 104, 105.)

The council are to appoint a clerk of the peace, also to hold office during good behaviour.

Clerk of the
Peace, ap-
pointment of.
Court of
Record.

By sec. 118, amended and explained by 6 and 7 Wm. IV., c. 105, s. 9, 7 Wm. IV., and 1 Vic., c. 78, ss. 32, 33, 34, 35, and 36, and 2 and 3 Vic., c. 27, provisions are made for holding borough courts of record, as before the Municipal Corporations Act, but, in certain cases, with extended jurisdiction. Personal actions to the extent of 20*l.*, and actions of ejectment where the rental is not more than 20*l.*, may be tried; but no action in which the title to any land, tithe, toll, market, or franchise is questioned. It is to be held before the recorder, four times a year for the trial of issues of fact or of law, at intervals not greater than four months.

In the Portsmouth borough court of record, the business, if any, is transacted after the business of the court of quarter sessions. Any matter, except the trial of any issue, may be disposed of by the recorder's deputy (being a barrister or attorney of not less than five years' standing;) or, in his absence, by the registrar of the court.

The recorder is to be paid by salary, to be fixed by a bye-law of the council. He may make rules for the regulation of the court, subject to the allowance of three of the judges of the superior courts. Accordingly, in 1842, Christopher Rawlinson, Esq., (now Sir Christopher Rawlinson, Chief Justice of the court of Madras,) who was then recorder of the borough of Portsmouth, framed a set of rules, which were confirmed by three judges, and which now regulate the practice of the court. Upon the petition of the council, and of the justices of any adjoining district, in quarter sessions assembled, the Queen, by the advice of the privy council, may extend the jurisdiction of the court to such adjoining district. The council are to appoint all the officers of the court. (Sec. 119.) Since the coming into operation of the "Act for the more easy recovery of small debts and demands in England," stat. 9 and 10 Vic. c. 95, amended by stat. 13 and 14 Vic. c. 61, the practice in the borough court of record has almost entirely ceased.

For the eligibility of jurors, the property qualification specified in 6 Geo. IV., c. 50, is not required; and every burgess, disqualified or not exempted by any other provision of the same Act, is liable to serve on grand juries, on the juries summoned to sit on trials of issues joined in the court of quarter sessions, and in the court of record. The clerk of the peace is to give notice of the holding of the court of quarter sessions, to summon the grand and petty juries for such court, and for the borough court of record. The court may fine jurymen for non-attendance, or for withdrawing themselves from the court; such fines to be levied by distress.

No person is to be required to serve on a jury more than once in a year, (sec. 121,) unless all the persons liable to serve have been summoned during that year. (7 Wm. IV., and 1 Vic. c. 78, s. 36.)

Members of the town council, borough justices, the treasurer, and town-clerk, are exempted from serving on borough and county juries;

and burgesses are also exempted from serving on juries at the general or quarter sessions. (Sec. 122.) All chartered exemptions from liability to serve on juries are abolished. (Sec. 123.)

The fees to be taken by the clerk of the peace, the clerk to the justices, the registrar, and officers of the borough court of record, the town council are authorized to determine, subject to the approval of one of her Majesty's principal Secretaries of State.

By 2 and 3 Vic., c. 27, s. 1, the judge of the court of record has authority to make, alter, and revoke the rules for appointing the times of holding such court, for regulating the forms and manner of proceeding, the process, appearance, practice, and pleadings in the court, and for settling the reasonable fees of the attorneys therein practising; provided always, that no such regulations be of any force until confirmed by three of the judges of the superior courts of common law at Westminster. Tables of such fees are to be hung up in the town clerk's office, the justices' room, the court of quarter sessions, and the court of record.

Charter of 3
Charles I.
Justices,
appointment
and func-
tions of.

That the recorder, and each mayor for one year after his mayoralty, together with three of the aldermen, should be justices to keep the peace within the borough, and to preserve the statutes of artificers and labourers, weights and measures, within the borough; and to hear and determine all manner of misdemeanours and offences arising within the said borough, and all other matters and things usually appertaining to the office of justice of the peace, and to punish the same offences; but not to have cognizance in matters of treason, murder, or felony, or any other matter touching the loss of life or member, without special mandate from the throne.

That no justice of the peace for the county of Southampton should interfere with any matter arising within the borough.

That the said Owen Jenens, William Towerson, and Henry Jenens, three aldermen as aforesaid, should be justices within and for the borough, until the feast of St. Michael the Archangel then next following, and from thenceforth until others should be elected in their place. That the mayor, aldermen, and burgesses, or the majority of them, should, on every Monday seventh-night before the feast of St. Michael the Archangel, elect three aldermen of the said borough to be justices for the ensuing year, and until others should be elected in their place; and in case of the death of one of them, to elect another, who should take the same oath, and hold office during the time that his predecessor would have held it.

Gaol.

That there should be a common gaol, or prison, in the borough, for the keeping of all persons attached or sentenced to the same for any cause arising within the borough; the mayor for the time being, or any person appointed by him, to be the keeper of it.

Justices,
functions of.

That the justices of the peace, or any two or more of them, should, by their warrants in writing, signed by themselves, be authorized to send to the county gaol, to be tried by the justices there, any traitors, murderers, homicides, felons, robbers, and other malefactors; for which purpose their warrant in writing, signed by themselves, should be a valid authority for the sheriff of the said county and the keepers of the said county gaol, to receive such malefactors and to retain them until

their trial before the justices of assize, and that these letters patent, or an enrolment of them, should be to the sheriff and keeper of the said county gaol, a sufficient warrant.

In addition to the recorder, by sec. 57, the mayor is to be a justice of the peace for the borough during his mayoralty, and for the ensuing year. Municipal Corporations Act. Justices, appointment and functions of.

By sec. 98, the queen's commission may be issued to as many persons as she may think proper, to act as justices in the borough, such persons to reside within, or within seven miles of, the borough, while in office; but, by sec. 101, they need neither be burgesses, nor be qualified by estate, but in all other respects they must be qualified as other justices of the peace. Fifteen borough magistrates have been appointed for the borough of Portsmouth under this provision.

By 7 Wm. IV., and 1 Vic., c. 78, s. 31, offences against local acts are made cognizable by borough justices. By 12 and 13 Vic., c. 18, s. 1, the provisions of 11 and 12 Vic. cc. 42 and 43, are declared to extend to borough justices. By sec. 111, and 12 and 13 Vic., c. 8, the borough justices are to have the exclusive right of appointing overseers.

The council may make a bye-law requiring to have one salaried police magistrate or more, specifying the salary proposed to be given. Such bye-law is to be transmitted to one of Her Majesty's principal Secretaries of State, whereupon the Queen may appoint such magistrates, being barristers of not less than five years' standing, their salaries to be paid quarterly out of the borough fund. In case of vacancy, fresh application is to be made by the council. (Sec. 99.) No stipendiary magistrate has been appointed for the borough of Portsmouth.

The council are to provide, furnish, and maintain a police-office for transacting the business of the borough justices. (Sec. 100.) The borough justices hold their sittings in the Town Hall; where the court of quarter sessions, court of record, and meetings of the town council are also held.

Summonses and warrants may be served and executed in the county in which the borough is situate, or within seven miles thereof; but the borough justices are not to sit at courts of general gaol delivery, or general or quarter sessions, or in making or levying any county rate, or rate in the nature of a county rate. (Sec. 101.)

By 12 and 13 Vic., c. 64, any two or more borough justices are to have all the powers and authorities, relative to the relief of the poor, which any two or more county justices out of general or quarter sessions have, by virtue of the Act of 43 Eliz., c. 2. The borough justices are to appoint a clerk, to be removeable at their pleasure, who is not to be clerk of the peace, alderman, or councillor, nor to be concerned in the prosecution of offenders committed by the borough justices, under a penalty of 100*l*. (Sec. 102.)

The council are to appoint a watch-committee, consisting of mem- Police.
bers of the town council, with the mayor at their head, such committee to act by the majority present at any meeting of not less than three. They are to appoint police constables, to be sworn in before some borough justice. Such constables may act for the county within which the borough is situate, as well as for the borough. (Sec. 76.)

Police.

The watch-committee may make regulations for the management of the constables. (Sec. 77.) In 1840, the watch-committee of the Portsmouth town council published a code of instructions and regulations for the observance of the police force. The watch-committee, or any two borough justices, may suspend or dismiss any constable. (Sec. 77.) Constables have power to apprehend idle and disorderly persons, or persons suspected of an intent to commit felony. (Sec. 78.)

Constables, attending at the watch-houses in the night, may take bail, by recognizance, from persons brought before them, without warrant, for petty misdemeanours; such recognizances to be conditioned for the appearance of the parties before a magistrate. In default of appearance the recognizance is to be estreated; but the time appointed for hearing may be enlarged. (Sec. 79.) Any constable convicted before two justices of neglect of duty, or disobedience to lawful orders, may be dismissed, or imprisoned for any time not exceeding ten days, or be fined in any sum not exceeding 40s. (Sec. 80.) A penalty, not exceeding 5*l.*, may be inflicted on any person convicted, before two justices, of assaulting any constable, or of resisting him in the execution of his duty, or of inciting others to do so; or an indictment may be laid for the offence; but the offender is not to be subject to both kinds of prosecution. (Sec. 81.) The salaries and extraordinary expenses allowed to constables are to be under the control of the watch-committee, subject to the approval of the council, and are to be paid by the treasurer of the borough.

Rewards for extraordinary diligence and exertion, and compensation for wounds or injuries, or long services, such as disable from further service, may also be granted by the same authority. (Sec. 82.)

By 11 and 12 Vic., c. 14, a borough police superannuation fund is authorised to be established. (Sec. 1.) It is to be supported by deducting a certain sum, not exceeding one thirty-sixth, from the weekly allowance of the police force, clothing excepted,—by the fines imposed upon them for misconduct,—the produce of the sale of their worn-out clothing,—and by the costs of serving summonses, &c. Certain rates of superannuation and retiring allowance are prescribed (11 and 12 Vic., c. 14, ss. 2, 3, 4, and 5), and other provisions are made by the Act. A police superannuation fund has been established in the borough of Portsmouth. On the 31st August, 1850, the fund amounted to 55*l.* 12*s.* 4*d.*; and 31st August, 1852, to 450*l.* Any two or more borough justices are required, in the month of October in every year, to appoint, from among the inhabitants, special constables, to act when called upon by warrant from justices of the peace. Every one so appointed is to take an oath prescribed by 1 and 2 Wm. IV., c. 41, and to have the powers and immunities, and to be subject to the duties and penalties, specified in that Act. Such person, while in active service, is to receive 3*s.* 6*d.* per day, from the borough fund. (Sec. 83.) On notice being published of the appointment of constables, so much of any local acts in force as related to the constables, watchmen, patrol, or police of the borough, was to cease; and the watch-boxes, watch-houses, arms, accoutrements, and necessities of the old body were to be given up for the use of the new. Any one refusing to give up such property, might be fined in a summary manner before two justices, in any sum not exceeding 5*l.* (Sec. 84.)

The watch-committee are to transmit a report, quarterly, to one of ^{Police.} Her Majesty's Principal Secretaries of State, as to the condition of the police force, their accoutrements, the number and locality of the station-houses, and also a copy of their rules. (Sec. 86.)

Power is given to the council to order parts of a borough, not within a local act for lighting, to be included in such Act; such part is then to be lighted in the same manner as the other parts of the borough, and the rates are to be levied in the same proportion as in other parts of the borough. (Sec. 87.)

The council may assume the powers of inspectors, under 3 and 4 Wm. IV., c. 90, for lighting any part of the borough, not within a local act for lighting the same, and may fix the amount of rate to be levied therein, not to exceed six-pence in the pound on the annual value of the property. (Sec. 88.) The town council of Portsmouth are exerting this authority to light an extensive district beyond the walls of the garrison. The Act is not to interfere with the internal regulations of dockyards, arsenals, &c. (Sec. 89.)

The expenses of prosecutions at the assizes, of any offences committed within the borough, are to be paid for out of the borough fund, and orders for payment are to be directed to the treasurer of the borough. (Sec. 103.)

The treasurer of the county is to keep an account of the expenses of the prosecution, maintenance, punishment, conveyance, and transport of offenders sent by boroughs, having separate courts of quarter sessions, for trial at the assizes (sec. 114) or quarter sessions (5 and 6 Vic., c. 98, s. 18), and make order on them for the payment thereof; and in case of a dispute arising, a judge of assize may direct a reference to the arbitration of a barrister, according to the provisions of 5 Geo. IV., c. 85, ss. 1, 2. Power, however, is given to the town council to contract with the county justices for payment of such expenses. (Sec. 114.)

County justices may contract with the justices of any adjoining borough, having a gaol, for the committal of county prisoners thereto, and, if there be a separate court of quarter sessions in the borough, such offenders may be tried there. (6 and 7 Wm. IV., c. 105, s. 1.)

There is a gaol and house of correction in the borough of Ports-^{Gaol.} mouth. The ordinary number of prisoners averages from 50 to 60.

By 7 Wm. IV. and 1 Vic., c. 78, s. 37, councils of boroughs are to have the same powers which justices in general or quarter sessions had, in relation to the building, &c., of gaols; but the expediency of any act to be done by such council under this provision must be certified by the recorder, and any rules for the government of prisoners in the gaol are to be approved by two borough justices before being sent to the Secretary of State.

The council are to have the same powers, under 4 Geo. IV., c. 64, and 5 Geo. IV., c. 85, that justices of the peace have at their sessions in counties, as to building, repairing, and regulating gaols and houses of correction, for which purpose they are required, by 7 Wm. IV. and 1 Vic., c. 78, s. 38, to hold a quarterly session at the usual times of holding quarterly sessions of the peace; but no order of theirs, requiring an outlay of money, is to be of force until confirmed by the council. See also 5 and 6 Vic., c. 53, entitled an "Act to encourage the esta-

blishment of District Courts and Prisons;" 5 and 6 Vic., c. 98, "An Act to amend the laws concerning Prisons, facilitating the raising of money in boroughs for the building, maintaining, &c., of Prisons;" and 11 and 12 Vic., c. 39, entitled, "An Act to facilitate the raising of money by Corporate Bodies for building or repairing Prisons."

Charter of 3
Charles I.
Clerk of the
Peace and
Common
Clerk, ap-
pointment of.

That the mayor and aldermen might, from time to time, elect a common clerk, to continue in office as long as he should well conduct himself, such common clerk to be also clerk of the peace. That he should, before entering on the performance of his duties, take an oath before the mayor for the time being, for their due execution.

Clerk of the
Market.

That the mayor, for the time being, should be clerk of the markets, and should not, in the exercise of the duties belonging to that office, be interrupted by the crown or its ministers.

Sergeants at
Mace.

That there should be two serjeants-at-mace, to serve in the said court of record, for the performance of the business to the said court belonging, that they should be appointed by the mayor for the time being, and be sworn before him duly to execute the duties of their office, and that they should hold their office during the pleasure of the mayor for the time being, and that they should carry before him the maces customary in the borough.

That the mayor, recorder, or aldermen, without any further commission or warrant, should be empowered to administer the oaths thereinbefore directed to be taken before them respectively.

Municipal
Corporations
Act.
Town Clerk,
appointment
of.
Treasurer, ap-
pointment of.
Other officers
and functions.

By sec. 58, the council are to elect a town clerk, who may be an attorney of one of the superior courts, to hold office during pleasure. Also a treasurer, to hold office during the pleasure of the council for the time being. (6 and 7 Vic., c. 89, s. 6.) Neither officer is to be a member of the council. They have also power to appoint any other officers, who have been usually appointed, or who may be deemed necessary; to take security for the due discharge of their official duties, to pay them reasonable salaries, to fill up vacancies in such offices, and to discontinue unnecessary appointments.

The treasurer is to pay no money, except when empowered by the Act, unless by order of the council, signed by three members and countersigned by the clerk, or of a borough justice, or of the borough sessions, or in such a case as the county sessions or a county justice might make an order on the county treasurer for payment of money, or for the payment of salaries to any police magistrate or recorder. (Sec. 59.)

By 7 Wm. IV. and 1 Vic. c. 78, s. 44, orders for payment of money out of the borough fund may be removed into the court of Queen's Bench by writ of certiorari.

That the officers appointed by the town council shall, while in office or within three months after vacating office, render a written account of all business entrusted to them, whenever required by the council; and a summary remedy before two justices, by warrant, distress, and sale, is given against officers not accounting, &c.; and also a power of committing to gaol, under certain circumstances; but the power of taking summary proceedings is not to take away the right of action against such officers. (Sec. 60.)

Coroner, ap-
pointment

The borough is to have a coroner, to be appointed by the council,

to hold office as long as he shall well behave himself. In case of vacancy in the office, the council are to supply it within ten days. The coroner is to have 1*l.* 6*s.* 8*d.*, and a mileage of ninepence from his place of abode, for every inquest held within the borough. He is, on the 1st February in every year, to make a return to one of her Majesty's principal Secretaries of State, of all inquests held by him during the preceding year. (Sec. 63.)

By 6 and 7 Wm. IV., c. 195, s. 6, the coroner in case of illness or unavoidable absence, may, by writing under his hand and seal, appoint a deputy. The mayor, or two justices, are to certify the necessity for such appointment; such certificate is to state the cause of the coroner's absence, if absent, and to be read openly at every inquest jury summoned by such deputy coroner; the particulars of inquests held before such deputy, are to be included in the return to be made to the Secretary of State, directed by sec. 63.

The council were empowered to remove any executive or ministerial officer, who was in office at the time the Act came into operation; but all in the borough of Portsmouth were re-appointed except the town clerk, who was removed on account of ill-health. The only alterations in the salaries of these officers that were made, were in regard to the two serjeants, both of whom had now a fixed salary appointed, in lieu of their former perquisites, and in case of the senior serjeant, of his former smaller salary also; the second serjeant having previously had no salary.

The council were also to have the same remedies for the recovery of monies, papers, &c., from such officers, as are given in sec. 60 against officers appointed under the Act. (Sec. 65.) Any officer continued in, or re-appointed to any office of profit which he held at the time of the passing of the Act, and who should be subsequently removed from such office, for any other cause than such misconduct as warrants the dismissal of an officer who holds office during good behaviour, being authorised to claim compensation of the council (s. 66), application was successfully made to such effect in behalf of the town clerk; his state of health precluding his doing it for himself.

The officers of the borough of Portsmouth, and their salaries, are as follows. They are thus arranged in the abstract of the treasurer's account, published in 1850:—

Municipal Expenses.

	£	s.	d.	
Town-clerk.....	200	0	0	per annum.
Treasurer (gratuitous)				
Town-serjeant	25	0	0	„
Town-serjeant	10	0	0	„
Town-crier	20	0	0	„
Assistant Town-crier	5	0	0	„
<i>Gaol.</i>				
Governor	200	0	0	„
Matron	25	0	0	„
Assistant-matron	31	4	0	„
Surgeon	31	10	0	„
Chaplain (in 1849)	84	0	8	„

(To account for their apparently disproportionate salaries, it may be noticed that the matron is the governor's wife, the assistant-matron has to provide for herself.)

Prosecutions.

Clerk of the Peace, fees in 1850	63	16	2	„
(This varies. In 1849 the fees amounted to 123 <i>l.</i> 7 <i>s.</i> 4 <i>d.</i>)				
Clerk to Justices, fees in 1850	101	5	2	„
(In 1849 the amount received by this officer was 105 <i>l.</i> 18 <i>s.</i> 8 <i>d.</i>)				
Recorder.....	67	4	0	„
(This amount, 16 <i>l.</i> 16 <i>s.</i> for every quarter sessions, is merely to defray the travelling and hotel expenses of the Recorder, and cannot properly be considered as a salary.)				
Coroner, fees in 1850.....	131	6	10	„
(The amount of fees payable to this officer depends on the number of inquests held during the year. In 1849 the amount was 201 <i>l.</i> 13 <i>s.</i> 1 <i>d.</i> These sums include the expenses disbursed by the Coroner.)				

Inspector's Account.

Inspector of Weights and Measures.....	100	0	0	„
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Camber Account.

Chamberlain	150	0	0	„
Wharfinger.....	100	0	0	„
(With house-rent free and the taxes paid for him.)				
Camber-office Clerk	50	0	0	„
Two Sub-collectors, each	40	0	0	„
Harbour-master, 25 per cent. on dues collected.				

Certain
officers,
functions of.

On the 12th March, 1849, a committee was appointed to define the duties of the financial officers of the borough, and to recommend the amount of salary to be paid to them. The following is the report of the committee, with the amendments made by the council on its consideration:—

“Your committee have considered the matters referred to them, and are of opinion that the duties of the respective officers will be properly defined as follows:—

“With reference to the office of corporation steward, the term adopted in the resolution, it will be observed ‘that throughout the definition of the various duties, your committee have retained the ancient name of ‘*Chamberlain*,’ considering that to be the most suitable designation, and the nature of the duties sufficiently indicating the character of the office.

“Your committee also submit, whether it is necessary that the whole time of that officer should be devoted to the duties assigned to him, their opinion being, that an efficient and proper discharge of the duties may be insured without requiring that undivided attention be given to their performance. Should the council, upon further consideration, concur in these views, a reduction of 50*l.* in the amount of salary may be made without, in the opinion of your committee, in any way impairing the efficiency of the office.

“*Treasurer's duties.*—He will in future receive no monies except through the hands of the chamberlain, other than such as are made

payable expressly to him.—To pay no monies on account of the mayor, aldermen, and burgesses, except as provided by the Municipal Corporations Act, or upon the order of the council, signed by three members of the council, and countersigned by the town clerk, or by order of the court of quarter sessions, or of a justice of the peace, acting in the discharge of his judicial duty, in such cases as are provided by law, or in such cases as the chamberlain is hereinafter authorised to draw upon him.—To enter in a book, to be kept for that purpose, true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid, keeping distinct the account of monies arising from the sale or enfranchisement of property.—To keep a separate account of all monies received, paid, laid out, and expended on account of the Camber Act, distinguishing the sums received by the chamberlain, from the clerk, the harbour-master, and collectors, and whether for wharfage, harbour, or tonnage dues, and to keep such other accounts as may at any time hereafter be directed.—He is to keep a separate account of all monies received on account of the police superannuation fund.—To submit his accounts, with all vouchers and papers relating thereto, in the months of March and September, to the auditors of the borough, for the purpose of being examined and audited, pursuant to the provisions of the Municipal Corporations Act, and in addition thereto, to submit all such accounts and vouchers, when required, to the finance or audit committees of the council.—He will prepare, and submit to the finance committee, a week before each quarterly meeting, a balance-sheet, showing in an abstract form, under the different heads, the monies received and paid during the quarter, and the outstanding liabilities and assets. In the month of September, in every year, he will make out and cause to be printed, a full, clear, and comprehensive abstract of his accounts, for the year ending the 31st of August then last.

“To enter into a bond, with approved sureties, in the sum of 1000*l.*, for the faithful execution of his office, and for the duly accounting for all monies received by him on account of the mayor, aldermen, or burgesses.

“*Your committee recommend that the treasurer be paid a salary of 50*l.* per annum.*

“*Duties of chamberlain.*—To collect and get in all such wharfage and other debts, as may be carried to account, and the rents of the corporate property, and to give his constant and undivided supervision over the wharfinger and subordinate officers, so as to ensure an active and proper discharge of their several duties. He will make a daily examination of their accounts, receiving from them at such time the monies in their hands, and paying the same over daily to the treasurer of the borough.—He will enter all monies thus received and paid, in a cash-book, to be provided and kept by him for that purpose, distinguishing under the several heads to which they belong, the monies received. As he is to exercise a general superintendence over the subordinate officers, he is empowered to suspend any one for neglect of duty or misconduct; but in every case of suspension, he will make a minute of the same, in a book to be kept for that purpose, and report thereon to the mayor with as little delay as possible, in order that a proper inquiry may be instituted.

Certain
officers,
functions of.

Certain
officers,
functions of.

"He will pay all weekly wages, and, for that purpose, he is authorised to draw upon the treasurer, from time to time, for such amount as shall be required, on producing his wages-book; and each person, on receiving the amount due to him, shall sign such book opposite the sum set against his name. He will submit his accounts, with all necessary vouchers, to the finance and audit committees of the council whenever required so to do. He will prepare and keep a complete and accurate roll of all the corporate property, with the rental of the same. He will examine any applications for lease or enfranchisement, previously to the same being brought before the council; and, generally, he will watch over and manage the borough property, directing a strict attention at all times to the preservation of the corporate rights. He is authorised to order necessary repairs, or materials, or things required for use at the wharfs or otherwise, to an amount not exceeding 5*l.* in any one month, entering every order so given by him in an order-book, which he will produce to the finance or audit committee, at the time of the audit of the account to which it may refer. In any case of expenditure exceeding 5*l.*, he will submit the same to the finance committee. He will be required to attend the meetings of the finance and audit committees. He is not to carry on, or be concerned directly or indirectly in, any other business. He shall make a quarterly return of all outstanding dues.

"For the due execution of his office, and for the faithfully accounting for all monies received by him, he shall enter into a bond, with approved sureties, in the sum of 500*l.*, such bond to be executed before entering on the office.

"*Your committee recommend that the chamberlain be paid 150*l.*, subject to reconsideration by the council, of the question as to his devoting his whole time to the office.*

"*Wharfinger's Duties.*—The wharfinger's attention is in future confined to the keeping of the accounts, and the performance of such duties as appertain to the general management of the wharfs, including the superintendence of the weighbridge. It shall be no part of his duty to collect or receive monies, but in case of any payment being made to him, he is to pay the same over immediately to the clerk at the office.

"He will strictly enforce clause 78 of the Camber Act, which requires masters of vessels, within twenty-four hours after arrival, or previous to departure, to deliver an account in writing of any goods intended to be landed or shipped within the limits of the borough. He will attend to the berthing of every vessel arriving in the Camber without delay; but he will permit no collier vessel to lie at a crane berth, if required for a vessel having goods to be craned. On a vessel having finished discharging, he will enter the manifest or other account which shall have been furnished to him, pursuant to clause 78 of the Act. He will suffer no vessel to leave the Camber, until the dues shall have been paid. He will have the charge and superintendence of the cranes, Camber bridge, and weighbridge, and be responsible for the same being in proper order. He will also have the charge of all planks, tressles, slings, pulleys, tackle, and gear of every description used in and about the wharfs, and the direction of the servants employed thereat.

"He will permit no vessel, barge, or boat to be built, repaired, or broken up on the Hard, on the west side of the Inner Camber, nor allow the ground to be broken up, without special permission for that purpose having been first obtained from the chamberlain. Certain officers, functions of.

"He will make up, periodically, as directed, a separate account of the dues on coal and corn. He is to have his books at all times ready for the inspection and examination of the chamberlain, and of the finance and audit committees of the town council, with all vouchers relating thereto. That the provisions of the Camber Act for prevention of nuisances be strictly enforced, and that he direct particular attention to ballasting of vessels, and see that proper ballasting-cloths are used. He is not to carry on, or be concerned, directly or indirectly, in any other business or occupation, and to reside in the house appointed for him on the quay. He shall enter into a bond, with approved sureties, in the sum of 250*l.* for the faithful discharge of the duties of his office, and for the accounting for any monies which may come to his hands, such bond to be executed before entering on the office.

"*Your Committee recommend that the wharfinger be paid a salary of 100*l.* per annum.*

"*Duties of Harbour-Master.*—To enter daily the arrival and departure of all vessels, in a book to be kept for that purpose at the wharfinger's office. He will give a receipt to every person paying harbour dues, entering on the counter-check of the receipt the date of payment, name of the vessel, her tonnage, and the amount paid.

"He will pay over daily to the clerk at the office all monies which shall have been received by him, producing, at such time, his receipt-book. In any case of nonpayment he will render an account of the same, in order that the dues may be regularly charged against the proper party, in the books of the office. He will attend to the mooring and anchoring of vessels within the Outer Camber, so as to preserve, at all times, a free passage in and out of the same. He shall submit his accounts, at such times as may be hereafter directed, to the finance or audit committee. He is not to engage in any other business or occupation. He shall enter into a bond, with approved sureties, in the sum of 100*l.*, for the faithful discharge of the duties of his office, and for the accounting for all monies received by him; such bond to be executed before entering on the office.

"*Your Committee recommend that the harbour-master receive, as a remuneration, 25 per cent., on the dues collected by him.*

"*Duties of Clerk.*—He will receive all monies paid at the office, entering every payment at the time in his cash-book, which he will make up at the close of each day's business, and pay over to the chamberlain the monies then in his hands. In addition to the foregoing, he will assist generally in the keeping of the accounts. He shall enter into a bond, with approved sureties, in the sum of 100*l.*, for the faithful discharge of the duties of his office, and for the accounting for all monies received by him; such bond to be executed before entering on the office.

"*Your Committee recommend that the salary to be paid to the clerk be 50*l.* per annum.*

"*Duties of Sub-Collector.*—Each collector will receive the dues

Certain
officers,
functions of.

payable within the district assigned to him, for which purpose he will be provided with a receipt-book, with counter-check, which he shall produce daily to the clerk at the office, paying over to him all monies which have been received, and rendering an account of any dues chargeable which may not have been paid, in order that the proper party may be debited with the amount.

"No. 1 district.—To include the Point, the Common Hard, and Albert Pier.

"No. 2 district.—To include the New Buildings, Flathouse, Rudmore, and Tipner. The sub-collector of the latter district to collect the street and market tolls.

"Each sub-collector shall enter into a bond, with approved sureties, in the sum of 50*l.*, for the faithful discharge of the duties of his office, and for the accounting for all monies received by him, such bond to be executed before entering on the office.

"*Your Committee recommend that each sub-collector be paid a salary of 40*l.* per annum.*

"Signed, on behalf of the Committee,

"March 27th, 1849."

"EDWARD CASHIER.

Charter of 3
Charles I.
Mayor, &c.,
to have an
Assize of
Bread, &c.,
also all Fines,
&c.

That the mayor, aldermen, and burgesses, through the mayor, should have an assize and assay of bread and ale, and the punishment and correction of the same, and the amerciaments of all men therein. And that they should have all fines in the said court of record, and court-leet or views of frankpledge, and before the justices of the peace and the clerk of the market, and all manner of forfeitures of felons and outlaws within the said borough, with no impediment from the crown, its officers, or ministers.

Municipal
Corporations
Act.
Appropriation
of Fines, &c.

By sec. 126, it is provided that where, by any act, penalties and forfeitures, upon summary convictions, were made payable to Her Majesty, or to any body corporate, or to any person whomsoever, the same are now, when adjudged before the borough justices, to go to the borough fund, except when the same are made payable to a common informer, or are recovered under any act relating to the customs, excise, post-office, or to trade or navigation, or to any branch of Her Majesty's revenue.

By sec. 21, the fines imposed upon jurors for non-attendance at the court of quarter sessions, or for withdrawing from it, are to go to the borough fund.

Charter of 3
Charles I.
Burgesses,
&c., to be free
from toll.
And free from
serving on
County juries.

That the burgesses and inhabitants should for ever be free of all toll, and of secular exactions, by sea and land, as theretofore.

That the mayor, aldermen, burgesses, inhabitants, and residents should be exempt from serving on juries for the county of Southampton, or out of the borough, except to decide any matter which might have arisen within the borough.

Municipal
Corporations
Act.
Freedom from
serving on cer-
tain juries.

By sec. 122, members of the town council, borough justices, the treasurer, and town clerk, are exempted from serving on borough juries, and burgesses are also exempted from serving on juries at the general or quarter sessions in the county.

That the mayor, aldermen, and burgesses might have a merchant guild within the borough, as they had been accustomed to have. The Guildhall formerly stood in the midst of the thoroughfare of the High-street of Portsmouth, but being cleared away in the year 1838, a new one was erected in a line with the houses forming the south-east side. This is now used for the county court.

Charter of 3
Charles I.
Guildhall.

That they might have a yearly fair or mart, with all the tolls and emoluments thereunto appertaining, to commence at St. Peter's ad Vincula, and to continue for fourteen days, according to the tenor of certain letters patent granted by King Richard II., in the 8th year of his reign, to the men of Portsmouth; but that a certain other fair, accustomed to be held for fifteen days, from the 1st of August in every year, should be relinquished. This fair was, no doubt, granted for the purpose of benefiting the inhabitants by increasing their trade; but, of late years, it had not only entirely failed in that object, but had, in fact, injured the inhabitants, by drawing into the place a number of dissipated and low characters, by causing great confusion and noise in the principal quarter of the borough, and by increasing the number of smaller offences. These abuses induced the inhabitants to petition parliament for its abolition, which was accomplished by a clause introduced into the last Portsmouth Improvement Act, 11 Vic., c. 257, passed in the year 1848.

That the mayor for the time being, and one justice, might register all deeds touching real property within the borough. No such registry at present exists within the borough.

Registry of
Deeds.

That the mayor and clerk might take recognizances for debts, and make executions thereof, according to the form of the statute of merchants and the statute of Acton Burnell; that for this purpose there should be a seal, wherewith to seal the said recognizances, to be divided into two parts, the greater part to be called the seal of the crown; and that one part should be kept by the mayor, and the other by the clerk of the recognizances.

Recogni-
zances for
debts to be
taken by
Mayor and
Clerk.

That John Hendrye, the then common clerk of the borough, should be the clerk of the recognizances during good behaviour. That, after his death, the common clerk for the time being should be clerk of the recognizances, and perform the various duties of that office.

There is no such officer or office now in the borough of Portsmouth. Recognizances in the nature of a statute merchant are now very rare.

That the inhabitants of the said borough might weave, work, and make all manner of broad-cloths and kersies, and sell and export the same in manner agreeable to the laws.

Liberty to
make broad
cloths, &c.

That the mayor, aldermen, and burgesses might purchase real property which was not holden of the crown *in capite*, or by knights' service, provided the annual value thereof did not exceed 20*l.* beyond all charges, reprises, and expenses. And also that any of the subjects of the crown might dispose of real property to the said mayor, aldermen, and burgesses, except such as was held of the crown *in capite*, or by knights' service, so that the same did not exceed 20*l.* per annum beyond all charges and reprises. This clause does not appear to have

Power to pur-
chase land.

been altered by the Municipal Corporations or any subsequent Act. The corporation could not, without this license, hold lands purchased by them, by reason of the Laws of Mortmain.

That the mayor, aldermen, and burgesses might take the same
Power to take groundage, anchorage, customs, dues, &c. groundage and anchorage for all vessels casting anchor, laden, or to be discharged, on the wharf of the borough of Portsmouth, and the same customs for goods and merchandize there laden or to be discharged, as the said corporation had been accustomed to receive, and take the same, without interruption from the crown or its officers.

Improvement of Camber. In 1839, 2 and 3 Vic., c. 72, entitled, "An Act for enlarging the town quay of the borough of Portsmouth, and for improving that portion of the harbour of Portsmouth called the Camber," was passed; giving power to the corporation to purchase and hold lands for the purpose, to make bye-laws for the regulation of the Camber, to take tonnage dues from vessels lading and unlading therein, and also wharfage dues on goods landed within the borough. New harbour dues are appointed to be received by them in lieu of the old harbour dues and bushelage for groundage and anchorage. Schedules are annexed to the Act, giving rates of dues, &c. Under this Act the Camber was greatly improved, and the quay bordering upon it enlarged by the town council.

In the year ending August 31st, 1850, the amount received for dues, &c., was 3,700*l.* 2*s.* 7*d.*, and 50*l.* the rent of a building-slip in the Camber. In the same year the balance in hand on the Camber account amounted to 1,137*l.* 13*s.* 0*d.*

Charter of 3 Charles I. Confirmation of lands held of the Crown.

That the lands thereafter to be acquired as well as the lands already belonging to the corporation, were thereby confirmed unto the said corporation, to hold of the crown, fee-farm by fealty only, in free and common socage, the rent in the place and manner accustomed.

Confirmation of fairs, tolls, &c.

That the fairs, tolls, and franchises then enjoyed by the mayor, aldermen, and burgesses, or which they were entitled to enjoy, were thereby confirmed to them, on condition of their rendering the rents and services accustomed, and that they should receive no interruption from the crown.

That nothing therein contained should prejudice the rights and privileges of the Earl of Pembroke, Steward of the Household, and Captain of Portsmouth, or of any of his successors.

Municipal Corporations Act. Borough expenses, how defrayed.

No regulations were made by the charter for defraying the expenses of the borough. In the Municipal Corporations and other Acts we find the following regulations:—

All corporate property and all fines are to be received by the treasurer, and to be by him carried to the account of the borough fund, which fund is to be applied towards payment of debts, the salaries of the recorder, town clerk, treasurer, and other officers, the costs of preparing and printing the burgess and ward lists, and notices, and other election expenses, also the expenses incident to the borough court of quarter sessions, and the prosecution, maintenance, and punishment of prisoners; the expenses of the borough gaol, house of correction, and corporate buildings, and all other corporate expenses not otherwise provided for by the Act, and the payment of the constables.

The surplus, if any, is to be applied, under the direction of the council, for the benefit of the inhabitants, and improvements of the borough. If the borough fund be insufficient, the council are to order a rate to make up the deficiency, and for that purpose they are to have the same powers as justices in general or quarter sessions have to make a county rate, under 55 Geo. III., c. 51, s. 92. Under certain circumstances a watch rate may be levied. By 7 Wm. IV., and 1 Vic., c. 78, s. 44, orders of the council for the payment of money may be removed into the Court of Queen's Bench by certiorari. By the 12th sec. of 55 Geo. III., c. 51, three distinct powers are given:— 1st, the power of the justices in sessions to make the rate, and issue warrants for its collection by the high constable; 2nd, the power given to the justices out of sessions to issue a warrant for the levy of the rate upon the goods of any overseer, &c., refusing to pay the assessment to the high constable; and 3rd, the power to the overseers, or persons appointed to act as such, to levy by rate the sum assessed, or to reimburse themselves by a special rate to such amount as they shall have paid on account of the county rate.

But the 92nd sec. of the Municipal Corporations Act, though it gives the same powers to the council to make the rate, and confers upon the mayor the power of levying by distress the assessment upon the overseers and other collectors of rates, makes no express provisions authorising the overseers of the poor to pay such assessment out of the poor-rate, or to make any special rate to repay themselves the amount paid over to the borough rate; and doubts having arisen, whether, in the absence of any such express provisions, the overseers would be justified in so applying the rates in their hands, or in levying a special rate to reimburse themselves, according to the provisions of the County Rate Act, 7 Wm. IV., 1 Vic. c. 81, was passed, the 1st sec. of which, after reciting that no authority was given by 5 and 6 Wm. IV., c. 76, to the churchwardens and overseers, or other persons who might thereby be legally ordered to pay or levy such rates, to pay the same out of the poor-rates of such parishes or places, or otherwise to levy the same upon the inhabitants thereof, authorised the council to order the overseers to pay the assessment of the borough rate out of the poor-rate, or to make and collect a pound-rate for the purpose. And inasmuch as this provision would not apply to extra-parochial places, or to parishes or townships partly within and partly without the borough, the 3rd sec. expressly provides for such cases, and thus the borough rate and county rate appeared to be placed on the same footing for the future, in respect to extra-parochial places and divided parishes. The case of divided parishes and places is now further provided for by 12 and 13 Vic., c. 65, by the 6th sec. of which so much of this act as applies to the making, levying, and collecting the county and borough rates in divided parishes or places, is repealed, except as to rates theretofore made, levied, and collected. (Rawlinson's Municipal Corporations Act, by Welsby, 358, n. 1.)

By 6 and 7 Wm. IV., c. 104, s. 5, the mayor may issue his warrant for levying a borough rate or watch rate, in any case where county justices might issue their warrants for a like purpose. Provisions are made for the better collecting of borough and watch rates in certain places by 8 and 9 Vic., c. 110.

Municipal
Corporations
Act.

By 12 and 13 Vic., c. 82, boroughs having and providing a gaol and house of correction, and boroughs having a pauper lunatic asylum, are not to be liable to contribute towards the county gaol and house of correction or county lunatic asylum. The borough of Portsmouth has no pauper lunatic asylum.

Rates in arrear, and rates to pay debts contracted before the passing of the Act, might be collected as if the Act had not passed. (Sec. 85.)

By 2 and 3 Vic., c. 28, and 3 and 4 Vic., c. 28, provisions are made for more equally assessing and levying watch-rates.

By 4 and 5 Vic., c. 48, the property of municipal corporations, with certain exceptions, is rendered liable to contribute towards poor-rates.

Accounts of receipts and disbursements are to be kept, audited by the auditors appointed under sec. 37, and published. (Sec. 93.) By 6 and 7 Wm. IV., c. 104, s. 10, and 7 Wm. IV. and 1 Vic., c. 78, s. 43, the council are every year to transmit such account, made up to the last period of audit, to one of Her Majesty's Principal Secretaries of State. And an abstract of such accounts, under general heads, is to be laid before both houses of parliament, during their sittings, in the year in which they are transmitted to the Secretary of State.

By sec. 112, boroughs having separate courts of quarter sessions are to send a copy of the grant of such court to the county clerk, after which such borough is not to contribute towards county rates.

Summary
Convictions
for Offences
against the
Act.

Sections 127, 128, 129, 130, 131, 132, and 133 contain provisions for summary convictions for offences committed against the Act, for preventing convictions and other proceedings being quashed for want of form, and as to actions brought against persons for anything done by them in pursuance of the Act.

Museum of
Art.

In 1845, an act was passed (8 and 9 Vic., c. 43) enabling the town council of any borough the population of which exceeds 10,000 persons, to establish a museum of art in the borough under certain regulations; but no such museum has been established by the town council of the borough of Portsmouth.

List of Local Acts.

14 Geo. 2, chap. 43.—An Act to enable Thomas Smith, Esquire, lord of the manor of Farlington, in the county of Southampton, to supply the town of Portsmouth, and parts adjacent, with good and wholesome water, at his own proper costs and charges.

4 Geo. 3, chap. 92.—An Act for the better paving of the streets and lanes, and for preventing nuisances and other annoyances in that part of the parish of Portsea, in the county of Southampton, commonly called Portsmouth-common.

8 Geo. 3, chap. 62.—An Act for the better paving and cleansing the streets and other public passages in the town of Portsmouth, in the county of Southampton, and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious.

16 Geo. 3, chap. 59.—An Act for lighting and watching the town of Portsmouth, in the county of Southampton, and for explaining and amending an Act passed in the 8th year of his present Majesty's reign, for the better paving and cleansing the streets and other public pas-

sages in the said town, and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious.

24 Geo. 3, chap. 19.—An Act for the settling the rates for the carriage of passengers and goods for hire to and from the Isle of Wight.

25 Geo. 3, chap. 24.—(Private.)—An Act for dividing and inclosing the commons and waste lands called Frodington, otherwise Fraddington, otherwise Fratton-common, and Southsea-common, and wastes, in the guildable part of the parish of Portsea, and county of Southampton.

32 Geo. 3, chap. 103.—An Act for the better paving, cleansing, widening, and regulating the streets, courts, roads, lanes, ways, rows, alleys, and public passages and places, within the town of Portsea, in the county of Southampton; and for removing and preventing nuisances, annoyances, and obstructions within the said town.

45 Geo. 3, chap. 44.—(Local and Personal, Public.)—An Act for building a new gaol in the borough of Portsmouth, in the county of Southampton.

49 Geo. 3, chap. 118.—(Local and Personal, Public.)—An Act for better supplying with water the borough of Portsmouth, and the parishes of Portsmouth and Portsea, and places adjacent, in the county of Southampton.

49 Geo. 3, chap. 130.—(Local and Personal, Public.)—An Act for the better government of the watermen working on the passage between Gosport, Portsmouth, and Portsea, and other places within Portsmouth harbour, and to and from Spithead and Saint Helen's, and other parts within the Isle of Wight, in the county of Southampton, and to and from certain places in the said island, and for regulating the fares of such watermen.

50 Geo. 3, chap. 46.—(Local and Personal.)—An Act for inclosing lands in the parish of Portsea, in the county of Southampton.

50 Geo. 3, chap. 218.—(Local and Personal, Public.)—An Act for disafforesting the forest of South, otherwise East Bere, otherwise Bier, in the county of Southampton, and for inclosing the open commonable lands within the said forest.

52 Geo. 3, chap. 78.—(Local and Personal, Public.)—An Act to amend an Act made in the 49th year of his present Majesty, for the better government of the watermen working on the passage between Gosport, Portsmouth, and Portsea, and other places within Portsmouth harbour, and to and from Spithead and Saint Helen's, and other parts within the said Isle of Wight, in the county of Southampton, and to and from certain places in the said island, and for regulating the fares of such watermen.

57 Geo. 3, chap. 42.—(Private.)—An Act for inclosing lands in the parish of Portsea, in the county of Southampton.

57 Geo. 3, chap. 63.—(Local and Personal, Public.)—An Act for making and maintaining a navigable canal from the river Arun to Chichester harbour, and from thence to Langstone and Portsmouth harbours, with a cut or branch from Hunston-common to or near the city of Chichester, and for improving the navigation of the harbour of Langstone, and channels of Langstone and Thorney.

2 Geo. 4, chap. 62.—(Local and Personal, Public.)—An Act for giving further power to the company of proprietors of the river Arun

navigation, and for confirming certain agreements entered into between the said company and the company of proprietors of the Portsmouth and Arundel navigation.

2 Geo. 4, chap. 73.—(Local and Personal, Public.)—An Act for incorporating the town of Portsea Gas Light Company.

7 Geo. 4, chap. 64.—(Local and Personal, Public.)—An Act for better lighting and watching the town of Portsea, in the county of Southampton, and for amending an Act passed in the 32nd year of his late Majesty, for paving, cleansing, and regulating the streets and public places within the said borough, and removing and preventing nuisances and annoyances therein.

7 and 8 Geo. 4, chap. 38.—(Local and Personal, Public.)—An Act for enabling the company of proprietors of the Portsea Island Waterworks to raise a further sum of money; and for the purposes relating to the said undertaking.

2 and 3 Vic. chap. 72.—(Public Act.)—An Act for enlarging the town quay of the borough of Portsmouth, or for improving that portion of the harbour of Portsmouth, called the Camber.

6 Vic., chap. not specified, passed in sess. 1843.—(Local and Personal, Public.)—An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the town of Portsea, in the county of Southampton, and for removing and preventing nuisances and annoyances therein.

11 Vic., chap. 257.—(Local and Personal, Public.)—An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the town of Portsmouth, in the county of Southampton, and for removing and preventing nuisances and annoyances therein.

(The two last are the governing Acts.)

[The history and statistics of the Dockyard, and the statistics of the population of the island of Portsea will be published in the next number of this journal.]
